

Notice of Allowability

Application No.

09/806,615

Examiner

Callie E. Shosho

Applicant(s)

MATSUO ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10/1/03 and telephonic interview conducted 12/10/03.
 2. ☒ The allowed claim(s) is/are 16-18, 22-34, and 36-38.
 3. ☐ The drawings filed on _____ are accepted by the Examiner.
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
 5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
 6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>12/10/03</u> . |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

Callie E. Shosho
Primary Examiner
Art Unit: 1714

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

(1) Claim 24, line 2, after "composition" and before "that", insert "selected from the group consisting essentially of a polyamide, a polyester, and a polyolefin".

(2) Claim 24, line 4, after "form" and before "onto", insert "directly".

(3) Cancel claim 35.

2. Authorization for this examiner's amendment was given in a telephone interview with Richard Anderson on 12/10/03.

Statement of Reasons for Allowance

3. The present claims are allowable over the “closest” prior art JP 11123869 and JP 09296035 for the following reasons:

In the Advisory Action mailed 9/5/03, claims 25-38 were indicated as allowable, claims 16-18 and 22-24 were indicated as objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form, and claims 10, 12-15, and 19-21 were rejected.

In response, in the amendment filed 10/1/03, applicants have cancelled claims 10, 12-15, and 19-21 and rewritten claims 16, 18, 22, and 24 in independent form including all the limitations of the base claim.

Thus, present claims 16-18, 22-34, and 36-38 are allowable over the “closest” prior art JP 11123869 and JP 09296035 for the following reasons.

JP 11123869 discloses ink jet recording sheet and method for making the ink jet recording sheet wherein the ink jet recording sheet comprises substrate layer and ink receiving layer comprising hydrophilic polymer and cationic polymer obtained from 65-98.9% ethylene, 0.1-15% acrylate, and 1-35% acrylamide identical to that of presently claimed formula IV. In one embodiment, JP 11123869 discloses that the ink jet recording sheet comprises ink receiving layer that overlays adhesive layer which overlays base material or substrate layer. This is in direct contrast to the present claims that require that the ink receiving layer is directly overlaid onto the substrate layer. That is, in this embodiment, JP 11123869 requires adhesive layer for adhering the ink receiving layer to the substrate layer which is outside the scope of the present claims which require that the ink receiving layer directly overlays the substrate layer. In another embodiment, JP 11123869 do disclose that the ink receiving layer is directly overlaid onto the

substrate layer. However, JP 11123869 discloses that when the ink receiving layer is directly overlaid onto the substrate layer, the substrate layer must comprise carbodiimide-based adhesive resin. This is outside the scope of the present claims that require that the substrate layer is selected from the group "consisting essentially of" polyamide, polyester, and polyolefin. Further, it is noted that with respect to claims 22 and 24, there is no disclosure in JP 11123869 of cationic polymer comprising acrylamide of presently claimed formula V.

JP 09296035 discloses water-absorbing polymer identical to that presently claimed. However, there is no disclosure or suggestion in JP 09296035 of cationic polymer as required in all the present claims and no disclosure of ink jet recording sheet or method of producing an ink jet recording sheet as required in the present claims.

Thus, it is clear that JP 11123869 and JP 09296035, either alone or in combination, do not disclose or suggest the present invention.

In light of the above, it is clear that the rejections of record are untenable and so, the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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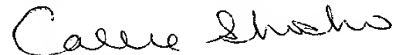
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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 571-272-1123. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
12/11/03